

**ONE HUNDREDTH LEGISLATURE - SECOND SESSION -
2008**

COMMITTEE STATEMENT

LB1128

Hearing Date: February 20, 2008

Committee On: Judiciary

Introducer(s): (Ashford)

Title: Change tenancy termination provisions under the Nebraska Housing Agency Act

Roll Call Vote - Final Committee Action:

Placed on General File

Vote Results:

7 Yes Senators Ashford, Lathrop, McDonald, McGill,
Pedersen, Pirsch, Schimek

0 No

1 Absent Senators Chambers

0 Present, not voting

Proponents:

Senator Ashford
George Achola

Representing:

Introducer
Omaha Housing Authority

Opponents:

Walter Radcliffe

Representing:

Nebraska's Realtors Association

Neutral:

Representing:

Summary of purpose and/or change:

Under current law, a public housing authority seeking to evict a tenant for breach of the rental agreement must provide a defaulting resident with a 14-day notice period. If the public housing authority accepts a rent payment with knowledge of default of the lease by the tenant, the public housing authority waives its right to terminate the rental agreement on that breach. Once the notice of termination has been, the housing authority clearly has knowledge of the breach and cannot accept rental payments from the tenant. This provision results in the public housing authority losing two months worth of rent on nearly every eviction action.

Legislative Bill 1128 provides that a housing agency does not waive its right to institute or maintain a termination proceeding against a resident if the agency accepts a rent payment from the resident.

Explanation of amendments, if any:

Senator Brad Ashford, Chairperson